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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/761,666

01/21/2004

John Robert Lambert

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47973 7590 01/19/2007
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EXAMINER

BELOUSOV, ANDREY

ART UNIT

PAPER NUMBER

2112

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

01/19/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/761,666

Applicant(s)

LAMBERT ET AL.

Examiner

Andrew Belousov

Art Unit

2112

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>Jan 8, 2007</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is in response to the original filing of January 21, 2004. Claims 1-~~22~~ are pending and have been considered below.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-10, 12,13, 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Cordero et al (U.S. Patent Application No. 20010044339).

Claims 1, 21: Cordero et al. discloses in a computerized system environment including computer-executable instructions, and one or more interfaces for accessing the computer-executable instructions, a method and computer program product having computer-executable instructions thereon, of testing the computer-executable instructions through each of the one or more interfaces using a single testing program, the method comprising the acts of:

- a. identifying one or more interfaces that are intended to access an identified application program (para 0059);

- b. identifying an application program interface that is common to each of the one or more interfaces that can access the application program, such that a function of the application program that can be accessed by each of the one or more interfaces can be tested (para 0075);
- c. providing at least one representation of a first value to the application program through the common application program interface (para 0052); and
- d. receiving a result from the application program (para 0052, 0055).

Claim 2: Cordero et al. discloses the method as recited in claim 1, wherein the at least one representation of the first value is unique to at least one of the one or more interfaces (para 0055).

Claim 3: Cordero et al. discloses the method as recited in claim 2, wherein the at least one representation of the first value is identified automatically prior to providing the at least one representation to the application program (para 0055).

Claim 4: Cordero et al. discloses the method as recited in claim 1, wherein the one or more interfaces includes one or more of a telephone user interface, a graphical user interface, a command-line interface, and a machine-based interface (para 0069).

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Claim 5: Cordero et al. discloses the method as recited in claim 1, but does not explicitly disclose that the identified application program is an application program to be tested.

The examiner notes that it is inherent to identify the application before testing it.

Claim 6: Cordero et al. discloses the method as recited in claim 1, further comprising generating a test program that is configured to access the identified application program through the identified common application program interface (para 0069).

Claim 7: Cordero et al. discloses the method as recited in claim 6, wherein the first value is provided to the application program by the test program through the identified common application program interface (para 0069).

Claim 8: Cordero et al. discloses the method as recited in claim 6, further comprising identifying one or more other application program interfaces that are common to the identified user interfaces (para 0013, application code, hardware devices, comm. protocols.)

Claim 9: Cordero et al. discloses method as recited in claim 8, further comprising converting the test program such that it is configured to access the identified application program through at least one of the one or more other application program interfaces (para 0013 - (software developer thus need only code (convert) to the cross-platform

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core, which is always the same regardless of the hardware platform or operating system)).

Claim 10: Cordero et al. discloses the method as recited in claim 1, further comprising receiving one or more results from the application program through the corresponding one or more interfaces that are intended to access the application program (para 0055).

Claim 12: Cordero et al. discloses, in a computerized system environment including computer-executable instructions, and one or more interfaces for accessing the computer-executable instructions, a method of testing the computer-executable instructions through each of the one or more interfaces using a single testing program, the method comprising:

- a. an act of identifying an application program to be tested;
- b. an act of identifying one or more interfaces that are intended to access the application program (para 0059); and
- c. a step for determining the functionality of the application program with the one or more interfaces by using a single testing program that incorporates an application program interface that is common to each of the one or more interfaces (para 0052, 0055, 0075).

The examiner notes that it is inherent to identify the application before testing it, as in act 'a.' above.

Claim 13: Cordero et al. discloses method as recited in claim 12, wherein the step for determining the functionality of the application program with the one or more interfaces comprises corresponding the acts of:

- a. identifying an application program interface that is common to each of the one or more interfaces that can access the application program, such that a function of the application program that can be accessed by each of the one or more interfaces can be tested (para 0075);
- b. providing at least one representation of a first value to the application program through the common application program interface (para 0052); and
- c. receiving a result from the application program (para 0052, 0055).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 11, 14-20, 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cordero et al.

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Claim 11: Cordero et al. discloses the method as recited in claim 10. While Cordero et al. does not explicitly disclose the method further comprising, based on the received one or more results, identifying an expected result by which the received one or more results can be compared, it would have been obvious to one having ordinary skill in the art at the time the invention was made to do so. One would have been motivated to identify an expected result so as to obtain a baseline to compare against and determine whether the subsequent results are within a certain range.

Claim 14, 22: Cordero et al. discloses, in a computerized system environment including computer-executable instructions, and one or more interfaces for accessing the computer-executable instructions, a method of testing an application program through each of the one or more interfaces using a single testing program, the method comprising:

- a. identifying a plurality of interfaces that are intended to access an application program (para 0059);
- b. sending a first value to the application program for each of the plurality of identified interfaces, wherein the first value is sent using an application program interface that is common to each of the plurality of identified interfaces (para 0052, 0075); and
- c. receiving a plurality of results from the application program, wherein each result in the plurality corresponds to an identified one of the plurality of interfaces (para 0052, 0055);

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However, Cordero et al. does not explicitly disclose:

- d. comparing the plurality of results to identify an expected result.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to do so. One would have been motivated to identify an expected result so as to obtain a baseline to compare against and determine whether the subsequent results are within a certain range.

Claim 15: Cordero et al. discloses the method as recited in claim 14, further comprising sending a next value to the application program for each of the plurality of identified interfaces (para 055).

Claim 16: Cordero et al. discloses the method as recited in claim 15, further comprising receiving a next result from the application program that is based in part on the next value that has been sent to the application (para 055).

Claim 17: Cordero et al. discloses the method as recited in claim 16, further identifying that the application is interoperable with at least one of the identified interfaces by comparing the next result with the expected result (para 0012).

Claim 18: Cordero et al. discloses the method as recited in claim 14, further comprising generating a test program that is configured to access the application program through the identified common application program interface (para 0069).

Claim 19: Cordero et al. discloses the method as recited in claim 18, further comprising identifying one or more other application program interfaces that are common to the identified user interfaces (para 0013, application code, hardware devices, comm. protocols).

Claim 20: Cordero et al. discloses the method as recited in claim 19, further comprising converting the test program such that it is configured to access the identified application program through at least one of the one or more other application program interfaces (para 0013 - (software developer thus need only code (convert) to the cross-platform core, which is always the same regardless of the hardware platform or operating system)).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Mondrik et al., U.S. Patent No. 5,627,998

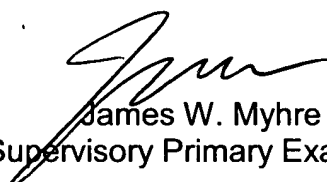
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Belousov whose telephone number is (571) 270-1695. The examiner can normally be reached on Mon-Fri (alternate Fri off) EST.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Myhre can be reached on (571) 272-6722. The fax phone number for the organization where this application or proceeding is assigned is 571-273-3800.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AB
Jan 8, 2006


James W. Myhre
Supervisory Primary Examiner